

29861. Adulteration of apples. U. S. v. 108 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 44256. Sample No. 34662-D.)

This product was contaminated with lead.

On October 28, 1938, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 108 bushels of apples at Washington, D. C.; alleging that the article had been transported on or about October 27, 1938, by L. A. Chappell, of Tyner, N. C., from Charles Town, W. Va.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On November 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29862. Adulteration of butter. U. S. v. 70 Tubs of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 44390. Sample No. 27119-D.)

This product was deficient in milk fat.

On November 15, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 tubs of butter at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about October 29, 1938, by Spring Valley Butter Co. from Houston, Tex.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

On November 25, 1938, the Spring Valley Butter Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29863. Adulteration of canned cherries. U. S. v. B. E. Maling, Inc. Plea of guilty. Fine, \$100. (F. & D. No. 42602. Sample No. 22836-D.)

This product consisted in part of worm-infested fruit.

On November 14, 1938, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against B. E. Maling, Inc., trading at Hillsboro, Oreg., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about April 23, 1938, from the State of Oregon into the State of Pennsylvania, of a quantity of canned cherries that were adulterated. The article was labeled in part: (Can) "Raycrest Royal Anne Cherries * * * Distributed By Ray-Maling Co. Inc. Hillsboro, Oregon."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On November 25, 1938, the defendant entered a plea of guilty and the court imposed a fine of \$100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29864. Adulteration and misbranding of butter. U. S. v. 7 Tubs of Butter. Default decree of condemnation and destruction. (F. & D. No. 44150. Sample No. 38047-D.)

This product contained less than 80 percent of milk fat.

On September 30, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven tubs of butter at New Orleans, La.; alleging that the article had been shipped in interstate commerce on or about September 21, 1938, by Dublin Creamery [Co.], Inc., from Dublin, Tex.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Clear Brook Fancy Quality Creamery Butter."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On November 11, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29865. Adulteration of almonds. U. S. v. 205 Bags and 91 Bags of Almonds. Decree of condemnation. Product released under bond. (F. & D. No. 44355. Sample No. 36228-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be worm-infested and moldy.

On November 18, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 296 bags of almonds at Philadelphia, Pa.; alleging that the article had been shipped on or about October 20, 1938, by Rosenberg Bros. & Co. from Oakland, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ensign Brand California Nonpareil Almonds."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On December 2, 1938, Albert Nelson Co. Inc., Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be sold or disposed of contrary to law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29866. Adulteration of flour. U. S. v. 117 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 43164. Sample No. 37802-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On August 1, 1938, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 117 bags of flour at Birmingham, Ala.; alleging that the article had been shipped on or about July 2, 1938, by the Hays City Flour Mills from Hays, Kans.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Golden Rod Flour."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On September 2, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29867. Adulteration of apples. U. S. v. 79 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 44231. Sample No. 21278-D.)

This product was contaminated with arsenic and lead.

On September 19, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 79 bushels of apples at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about September 11, 1938, by Batt Donovan from Lawrence, Mich.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*